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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,254	06/26/2001	Yasushi Takahashi	450101-02373	2265

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EXAMINER
VU, THANH T

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/869,254	TAKAHASHI ET AL.
	Examiner	Art Unit
	Thanh T. Vu	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,9 and 33-76* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9 and 33-76* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This communication is responsive to Amendment, filed 10/12/2004.

Claims 1, 9, 33-76 are pending in this application. In the Amendment, claims 2-8, and 10-

32 were cancelled, claims 65-76 were added, and claims 1, 9, 33, 35-36, 41, 43-44, 49, 51-52,

57, and 59-60 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9, 33-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Zamara et

al. ("Zamara", U.S. Pat. No. 5,917,990).

Per claim 1, Zamara teaches video information editing method comprising the steps of:

delimiting at timing of a delimiting instruction a regular edition video, constituted by

continuous dynamic images recorded along with recording position information or time lapse

information, into shots as units of dynamic images or into scenes each containing at least one

shot with the recording position information or the time lapse information associated with the

shots or scenes (col. 3, lines 10-20);

preparing an evaluation value of each of the shots or each of the scenes on the basis of the

information provided corresponding to each of the shots or each of the scenes (col. 3, lines 14-

47);

wherein the information provided includes semantic evaluation information video

characteristic items (col. 3, lines 39-47); and

selecting from the regular edition video the shots or the scenes such that each of the

evaluation values of the shots or the scenes satisfies a predetermined condition (col. 3, lines 50-

59; col. 4, lines 27-38).

Per claim 9, Zamara teaches a video information editing method comprising the steps of:

delimiting at timing of a delimiting instruction a regular edition video, constituted by continuous

dynamic images recorded along with recording position information or time lapse information,

into shots as units of dynamic images or into scenes each containing at least one shot with the

recording position information or the time lapse information associated with the shots or scenes

(col. 3, lines 10-20);

preparing an evaluation value of each of the scenes on the basis of the information

provided corresponding to each of the scenes (figs 3 and 4; col. 3, lines 20-47 and lines 51-58;

col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15),

wherein the information provided corresponding to each of the scenes includes semantic

evaluation information video characteristic items (col. 3, lines 39-47); and

selecting from the regular edition video the scenes such that each of the evaluation

values of the scenes satisfies a predetermined first condition (figs 3 and 4; col. 3, lines 20-47 and

lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15); and

preparing an evaluation value of each of the shots included in each of the selected scenes

on the basis of the information provided corresponding to each of the shots (figs. 3 and 4; col. 3,

lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15),

wherein the information provided corresponding to each of the shots includes semantic

evaluation information and video characteristic items (col. 3, lines 10-20 and lines 39-47; *value*

for each video frame); and

selecting the shots such that each of the evaluation values of the shots satisfies a

predetermined second condition (figs. 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines

30-34; col.4, line 60 – col. 5, lines 15).

Claim 33 is rejected under the same rationale as claim 1.

Per claim 34, Zamara teaches the video information editing device as claimed in claim

33, further comprising means for calculating the sum of the time of the selected shots or scenes,

and means for if the sum of the calculated time exceeds a predetermined video time, modifying

the predetermine condition and repeating the processing until the sum of time is matched with

the predetermined video time (col. 4, lines 14-20, lines 34-38, lines 50-55).

Per claim 35, Zamara teaches the video information editing device as claimed in claim

33, wherein the predetermined condition is that an absolute value of the evaluation value related

to the shot or the scene reaches a predetermined threshold value (col. 3, lines 40-47).

Per claim 36, Zamara teaches the video information editing device as claimed in claim

33, wherein the predetermined condition is that an absolute value of the evaluation value related

to the scene reaches a predetermined threshold value (col. 3, lines 40-47), and

wherein with respect to the integration value of the evaluation value related to each of the scenes along the scene transition, the scene is a peak scene when the continuous increase of the integration value up to a scene exceeds a predetermined first gap value and the absolute value of the continuous decrease of the integration value after that scene exceeds a predetermined second gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15),

while the scene is a valley scene when the absolute value of the continuous decrease of the integration value up to a scene exceeds a predetermined third gap value and the continuous increase of the integration value after that scene exceeds a predetermined fourth gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; and col. 4, lines 60- col. 5, lines 15; col. 4, lines 27-38), and

a threshold value is determined for each area between the peak or valley scene and the adjacent valley or peak scene (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; and col. 4, lines 60- col. 5, lines 15; col. 4, lines 27-38).

Per claim 37, Zamara teaches the video information editing method as claimed in claim 36, wherein the threshold value is set in accordance with the upward slope from the valley to the adjacent peak or the downward slope from the peak to the adjacent valley (figs. 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 27-38).

Per claim 38, Zamara teaches the video information editing method as claimed in claim 35, wherein when each of the evaluation values is formed by a positive or negative value, the absolute value of the threshold value applied to the positive evaluation value is made equal to or

smaller than the absolute value of the threshold value applied to the negative evaluation value (col. 3, lines 40-47).

Per claim 39, Zamara teaches the video information editing method as claimed in claim 33, wherein the shot evaluation value is a value obtained by adding a value obtained by carrying out predetermined weighting on each of the video characteristic items including at least the presence of a speech, the volume of a predetermined level or higher, the appearance of a specified actor/actress, or the special picture effect in the corresponding part of the regular edition video, with respect to each of the items (col. 3, lines 14-19, and lines 35-47).

Per claim 40, Zamara teaches the video information editing method as claimed in claim 39, wherein with respect to the shot evaluation value, the weighting value on the item related to the appearance of a specified actor/actress is made greater than the weighting values on the other items (col. 3, lines 3, lines 14-19; col. 5, lines 52-65).

Claim 41 is rejected under the same rationale as claim 9.

Claims 42-43 are rejected under the same rationale as claim 34 and 36 respectively.

Per claim 44, Zamara teaches the video information editing device as claimed in claim 41,

wherein with respect to the integration value of the evaluation value related to each of the scenes along the scene transition, the scene is a peak scene when the continuous increase of the integration value up to a scene exceeds a predetermined first gap value and the absolute value of the continuous decrease of the integration value after that scene exceeds a predetermined second gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15),

while the scene is a valley scene when the absolute value of the continuous decrease of

the integration value up to a scene exceeds a predetermined third gap value and the continuous

increase of the integration value after that scene exceeds a predetermined fourth gap value (figs 3

and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15), and

the predetermined first condition is applied to the scenes on the upward slope to the peak from

the adjacent valley before the peak and the scenes on the downward slope immediately after the

peak, on the basis of the magnitude of the increase of the integration value of the valley scene

and the adjacent peak scene after the valley, or on the basis of the ranking of the magnitude of

the increase of the integration value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines

20; col. 4, lines 60- col. 5, lines 15)

Claims 45-48 are rejected under the same rationale as claims 37-40 respectively.

Per claim 49, Zamara teaches a video information editing device comprising:

means for delimiting at timing of a delimiting instruction a regular edition video,

constituted by continuous dynamic images recorded along with recording position information or

time lapse information, into shots as units of dynamic images or into scenes each containing at

least one shot with the recording position information or the time lapse information associated

with the shots or scenes (col. 3, lines 10-20);

means for preparing an evaluation value of each of the shots or each of the scenes on the

basis of the information provided corresponding to each of the shots or each of the scenes (col. 3,

lines 14-47),

wherein the information provided includes semantic evaluation information video

characteristic items (col. 3, lines 39-47);

means for selecting from the regular edition video the shots or the scenes such that each

of the evaluation values of the shots or the scenes satisfies a predetermined condition (col. 3,

lines 50-59; col. 4, lines 27-38); and

means for coding data including at least the recording position information or the time

lapse information corresponding to the selected shots or scenes and the corresponding evaluation

value (col. 3, lines 11-13; col. 5, lines 56-60).

Claims 50-56 are rejected under the same rationale as claims 19-24 respectively.

Per claim 57, Zamara teaches a video information editing device comprising:

means for delimiting at timing of a delimiting instruction a regular edition video,

constituted by continuous dynamic images recorded along with recording position information or

time lapse information, into shots as units of dynamic images or into scenes each containing at

least one shot with the recording position information or the time lapse information associated

with the shots or scenes (col. 3, lines 10-20);

means for preparing an evaluation value of each of the scenes on the basis of the

information provided corresponding to each of the scenes and means for selecting from the

regular edition video the scenes such that each of the evaluation values of the scenes satisfies a

predetermined first condition (figs 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-

34; col.4, line 60 – col. 5, lines 15);

means for preparing an evaluation value of each of the shots included in each of the

selected scenes on the basis of the information provided corresponding to each of the shots and

means for selecting the shots such that each of the evaluation values of the shots satisfies a

predetermined second condition (figs. 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15); and

means for coding the information of the recording position information or the time lapse information corresponding to each of the selected shots and data including at least the shot evaluation value (col. 3, lines 11-13; col. 5, lines 56-60).

Claims 58-64 are rejected under the same rationale as claims 42-48 respectively.

Claims 65-66, 74-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Hampapur et al. ("Hampapur", U.S. Pat. No. 6,738,100).

Per claim 65, Hampapur teaches a method for generating a video comprising the steps of: accessing a first segment of video (fig. 4; col. 3, lines 8-25);

establishing a plurality of shots from the first segment of video (col. 5, lines 20-25);

providing semantic evaluation information related to content of one or more of the plurality of shots (fig. 4; col. 6, lines 16-30 and lines 33-42);

evaluating video characteristics of one or more of the plurality of shots (fig. 4; col. 6, lines 16-30 and lines 33-42);

selecting particular shots as a function of the semantic evaluation information and the video characteristics (fig. 4; col. 6, lines 16-30 and lines 33-42; col. 7, lines 8-28); and

generating the video by concatenating the selected particular shots such that the video has a predetermined time duration (fig. 4; element 204; col. 7, lines 20-28).

Claim 66 is rejected under the same rationale of claim 65.

Per claim 68, Hampapur teaches the apparatus of claim 66, further comprising, means for

modifying the semantic evaluation information when predetermine time duration exhibits a

preset relationship to maximum time duration (col. 7, lines 20-28).

Per claim 74, Hampapur teaches the apparatus as claimed in claim 66, further

comprising:

means for establishing a video characteristic value for a portion of the first segment of

video as a function of predetermined weighting of: presence of speech content, volume

exceeding a minimum predetermined level, appearance of a specified actor/actress, or special

effect (col. 6, lines 33-42).

Per claim 75, Hampapur teaches the apparatus as claimed in claim 74, wherein the

weighting of the appearance of a specified actor/actress exceeds other weighting values (col. 6,

lines 33-42).

Claim 76 is rejected under the same rationale as claim 66.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hampapur et al.

("Hampapur", U.S. Pat. No. 6,738,100) and Lee et al. ("Lee", U.S. Pat. No. 6,452, 875).

Per claim 67, Hampapur teaches the apparatus as claimed in claim 66, but does not teach wherein the semantic evaluation information relates to audio information of the first segment of video. However, Lee teaches wherein the semantic evaluation information relates to audio information of the first segment of video (fig. 2, col. 3, lines 1-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lee in the invention of Hampapur because it provides users with automatically selecting and correlating scenes or shots of interest based on sound level.

Claims 69-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hampapur et al. ("Hampapur", U.S. Pat. No. 6,738,100) and Zamara et al. ("Zamara", U.S. Pat. No. 6,452, 875).

Per claim 69, Hampapur teaches the apparatus of claim 66, but does not teach wherein the semantic evaluation information is a function of an absolute value of content of a corresponding shot. However, Zamara teaches wherein the semantic evaluation information is a function of an absolute value of content of a corresponding shot. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Zamara in the invention of Hampapur to select a desire frame position with accuracy within one or two video frames is desired.

Per claim 70, Zamara teaches the apparatus as claimed in claim 69, wherein the semantic evaluation information comprises:

an integration value related to a con-responding one of a plurality of scenes, each scene having at least one scene transition, wherein a scene is a peak scene when an increase in the integration value exceeds a predetermined first value and when a subsequent decrease in the

integration value exceeds a predetermined second value (fig. 3 an 4; col. 3, lines 20-45; col. 3, line 60-col. 4, line 20; col. 4, line 60-col. 5, line 15),

wherein a scene is a valley scene when a decrease in the integration value prior to said scene exceeds a predetermined third value and an increase in the integration value after said scene exceeds a predetermined fourth value (fig. 3 an 4; col. 3, lines 20-45; col. 3, line 60-col. 4, line 20; col. 4, line 60-col. 5, line 15; col. 4, lines 27-38).

Per claim 71, Zamara teaches the apparatus as claimed in claim 70, further comprising:

means for determining a threshold value for each area between a first peak scene or a first valley scene and an adjacent valley scene or peak scene (fig. 3 an 4; col. 3, lines 20-45; col. 3, line 60-col. 4, line 20; col. 4, line 60- col. 5, line 15).

Per claim 72, Zamara teaches the apparatus as claimed in claim 71, wherein the threshold value is determined as a function of a change in slope from a valley scene to an adjacent peak scene (fig. 3 an 4; col. 3, lines 20-45; col. 3, line 60-col. 4, line 20; col. 4, line 60- col. 5, line 15).

Per claim 73, Zamara teach the apparatus as claimed in claim 71, wherein the semantic evaluation information is determined by a positive or negative value, and wherein the absolute value of the threshold value applied to the positive evaluation value is made equal to or smaller than the absolute value of the threshold value applied to the negative evaluation value (col. 3, lines 40-47).

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Zamara does not teach "wherein the information provided includes semantic evaluation information video characteristic items" The examiner does not agree because Zamara teaches the information provided includes semantic evaluation information video characteristic items (col. 3, lines 39-47).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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